

## IN THE SENATE

## SENATE BILL NO. 1182

## BY JUDICIARY AND RULES COMMITTEE

## AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INITIAL PROGRAM FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-402C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATION OF LAW; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROVIDE THAT ANY ORGANIZATION SEEKING TO PARTICIPATE IN THE SPECIAL LICENSE PLATE PROGRAM SHALL BE REQUIRED TO COMPLETE AN APPLICATION PROCESS, TO DEFINE A TERM, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE REQUIREMENTS, TO PROVIDE FOR RULES, TO PROVIDE ADDITIONAL REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT SHALL SUBMIT COMPLETED APPLICATIONS TO THE GOVERNOR'S OFFICE, TO PROVIDE FOR A REPORT AND TO PROVIDE FOR AN APPEAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old .....	\$48.00
Vehicles three (3) and four (4) years old .....	\$36.00
Vehicles five (5) and six (6) years old .....	\$36.00
Vehicles seven (7) and eight (8) years old .....	\$24.00
Vehicles over eight (8) years old .....	\$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration

1 card shall show and be the exclusive proof of the expiration date of registration and licensing.  
2 Vehicles may be initially registered for less than a twelve (12) month period, or for more than a  
3 twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration  
4 tends to fulfill the purpose of the monthly series registration system.

5 (2) For all school buses operated either by a nonprofit, nonpublic school or operated  
6 pursuant to a service contract with a school district for transporting children to or from school  
7 or in connection with school approved activities, the annual fee shall be twenty-four dollars  
8 (\$24.00).

9 (3) For all motorcycles and motor-driven cycles which comply with the federal motor  
10 vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars  
11 (\$9.00).

12 (4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding  
13 a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public  
14 lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be  
15 paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as  
16 provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate  
17 exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility  
18 type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of  
19 section 49-426, Idaho Code.

20 (5) For all motor homes the fee shall be as specified in subsection (1) of this section and  
21 shall be in addition to the fees provided for in section 49-445, Idaho Code.

22 (6) Registration fees shall not be subject to refund.

23 (7) A financial institution or repossession service contracted to a financial institution  
24 repossessing vehicles under the terms of a security agreement shall move the vehicle from  
25 the place of repossession to the financial institution's place of business on a repossession  
26 plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective  
27 purchaser for a period not to exceed ninety-six (96) hours. The registration fees for  
28 repossession plates shall be as required in subsection (1) of this section for a vehicle one (1)  
29 and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in  
30 addition to the registration fee. The repossession plate shall be issued on an annual basis by  
31 the department.

32 (8) In addition to the annual registration fee in this section, there shall be an initial  
33 program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars  
34 (\$15.00) for all special license plate programs for those license plates issued pursuant to  
35 sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code.  
36 For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be  
37 an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee.  
38 For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B,  
39 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E,  
40 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420,  
41 49-420A, 49-420B, 49-420C, 49-420D, 49-420E and 49-420G, Idaho Code, and any new  
42 special plate program effective on and after January 1, 2010, pursuant to section 49-402D,  
43 Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual  
44 program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be  
45 applicable to all new special plate programs. The initial program fee and the annual program

1 fee shall be deposited in the state highway account and shall be used to fund the cost of  
2 administration of special license plate programs, unless otherwise specified by law.

3 (~~89~~) Any vehicle that does not meet federal motor vehicle safety standards shall not be  
4 registered and shall not be permitted to operate on public highways of the state, as defined in  
5 section 40-117, Idaho Code, unless otherwise specifically authorized.

6 SECTION 2. That Section 49-402C, Idaho Code, be, and the same is hereby amended to  
7 read as follows:

8 49-402C. SPECIAL LICENSE PLATE PROGRAMS – STANDARDIZED PLATE  
9 COLOR AND DESIGN. (1) It is the intent of the legislature that special license plates issued  
10 by the department be readily recognizable as plates from the state of Idaho without losing the  
11 uniqueness for which the special plate was designed and purchased. In addition, the legislature  
12 finds that the department can operate in a more efficient, cost-effective manner by conforming  
13 special plates to a basic color and design.

14 (2) No special license plates and no special license plate programs in existence on or  
15 before June 30, 1998, shall be affected by the provisions of this section. On and after July 1,  
16 1998, any new special license plate program authorized or any redesign of an existing special  
17 license plate, shall use the same red, white and blue background as the standard issue of license  
18 plates described in section 49-443, Idaho Code, except that:

19 (a) The identification of county shall be omitted;

20 (b) The word "Idaho" shall appear on every plate;

21 (c) The inscription "Scenic Idaho" may be omitted without legislative consideration and  
22 approval; and

23 (d) No slogan shall be used that infringes upon, dilutes or compromises, or could be  
24 perceived to infringe upon, dilute or compromise, the trademarks of the state of Idaho,  
25 including, but not limited to, "Idaho Potatoes®," "Grown in Idaho™," "Famous Idaho  
26 Potatoes™" or "Famous Potatoes®."

27 The provisions of this section shall not apply to the plate designs issued pursuant to the  
28 provisions of section 49-417, Idaho Code.

29 (3) Any redesign required for a special plate to conform with legislative intent and the  
30 provisions of this section may be done in a manner similar to that used to produce the original  
31 design.

32 (4) The special plates shall conform in all other respects with the provisions of section  
33 49-443, Idaho Code, relating to visibility requirements, display of registration number, time  
34 period for validity of plates, and reservation of plate numbers.

35 (5) Unless otherwise specifically provided, no special license plates shall be issued to  
36 motor vehicles with a registered maximum gross weight in excess of twenty-six thousand  
37 (26,000) pounds, or any motor vehicle registered under section 49-434(5), Idaho Code, or  
38 section 49-435, Idaho Code.

39 (6) Following an introductory period of three (3) years during which the provisions of  
40 this subsection shall not apply, if, during both years of any following two (2) consecutive  
41 years, fewer than one thousand (1,000) plates are issued in each of those two (2) consecutive  
42 years, the department shall discontinue that special license plate program and no new plates  
43 shall be issued nor shall any existing plate be renewed upon its expiration. The provisions of  
44 this subsection shall apply to sections 49-416, 49-417, 49-417A, 49-417B, 49-417C, 49-418A,  
45 49-418B, 49-418C, 49-419, 49-419A, 49-420, 49-420B, Idaho Code, and any other special

1 license plate programs created on and after July 1, 2002, and for any special plate program  
 2 approved on and after January 1, 2010, pursuant to section 49-402D, Idaho Code.

3 SECTION 3. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended  
 4 by the addition thereto of a NEW SECTION, to be known and designated as Section 49-402D,  
 5 Idaho Code, and to read as follows:

6 49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS. (1) On and  
 7 after January 1, 2010, any group or organization (hereinafter referred to as "organization")  
 8 seeking special license plate program participation shall meet the provisions of this section  
 9 prior to such special plate program being proposed to the Idaho legislature. Any such  
 10 organization shall be required to complete the application process provided for in this section  
 11 no later than September 1, prior to the legislative session, in which such organization desires  
 12 consideration by the Idaho legislature.

13 (2) The organization shall be either a state agency or a nonprofit organization that has  
 14 been approved for tax exempt status under section 501(c)(3) of the Internal Revenue Code,  
 15 and shall provide a letter from the internal revenue service to the organization verifying such  
 16 organization's tax exempt status to the department. State agencies shall not be required to meet  
 17 the provisions of subsection (2)(a) through (e) of this section.

18 (a) Each nonprofit organization is required to provide:

- 19 (i) Proof that it is based, headquartered or has a chapter in Idaho as shown on the
- 20 records of the secretary of state.
- 21 (ii) A copy of its articles of incorporation, and if the organization consists of a
- 22 group of nonprofit corporations, a copy for each organization.
- 23 (iii) Proof that the primary activity or purpose of the organization serves
- 24 the community, contributes to the welfare of others, and is not offensive or
- 25 discriminatory, in its purpose, nature, activity or name.

26 (b) The proposed special plate shall not represent a political party, nor shall it primarily  
 27 promote a specific political belief.

28 (c) The proposed special plate program shall not have as its primary purpose the  
 29 promotion of any specific religion, faith or antireligion.

30 (d) The name and purpose of the proposed special plate program shall not promote any  
 31 specific product or brand name that is on a product provided for sale.

32 (e) The name of the proposed special plate program shall not be the name of a  
 33 trademark, or if so, the nonprofit organization shall show that the entity with control of  
 34 the trademark has provided written authorization to the organization and the department  
 35 for any name, logo or graphic design suggested for the design of the special plate. No  
 36 infringement or violation of any property right will result from such use of such name,  
 37 logo or graphic design. The organization will provide an indemnifying affidavit holding  
 38 harmless the state of Idaho and its employees and agents for any liability that may result  
 39 from any infringement or violation of a property right based on the use of such name,  
 40 logo or graphic design.

41 (f) The organization shall submit a financial plan for the use of the proceeds from the  
 42 special license plate and that such proceeds shall only be used to benefit citizens of the  
 43 state of Idaho.

1 (g) The organization shall designate a special plate liaison to work with the department,  
2 who shall be deemed responsible by the organization for certifying compliance with the  
3 requirements of this section.

4 (h) The department is authorized and shall adopt and promulgate rules to carry out the  
5 provisions of this section.

6 (3) If the organization's request for a special license plate is approved by the department,  
7 the following requirements, in addition to those set out in subsection (2) of this section, shall be  
8 met by September 1, prior to the next legislative session.

9 (a) The organization shall deposit estimated programming and administrative costs with  
10 the department to be utilized for programming costs of the specialty plate. Administrative  
11 costs shall be nonrefundable.

12 (b) In addition to the requirements provided for in section 49-402C, Idaho Code, the  
13 organization requesting a special plate program shall provide to the department an  
14 acceptable plate design.

15 (c) The organization shall collect the fees provided for in section 49-402(8), Idaho Code,  
16 for the initial special plate program, and transmit said fees to the department along with  
17 a list of two hundred fifty (250) applicants whose vehicles are currently registered in the  
18 state of Idaho, who intend to purchase the specialty plate when available, as evidenced  
19 by completing forms provided by the department. Such fees shall be refundable if the  
20 proposal is not passed by the Idaho legislature.

21 (d) Upon passage and final approval by the Idaho legislature, the department shall  
22 provide two hundred fifty (250) certificates to the organization to distribute to those who  
23 prepaid their special plate application fees, as provided for in subsection (3)(c) of this  
24 section.

25 (4) The department shall submit the completed applications for special license plate  
26 programs that meet the requirements of this section to the governor's office each year on behalf  
27 of the organization, to be included for consideration in the next legislative session.

28 (5) On an annual basis, by December 1, of each calendar year, the organization that  
29 is a sponsor of a special license plate program, shall prepare an annual report which shall be  
30 made available on request, and shall be forwarded to the department. Such report shall include  
31 an accounting of revenues and expenditures associated with the funds collected for the special  
32 license plate program. The department shall compile and forward such reports to the legislature  
33 by January 15 of each year. Failure of the organization to provide such report by the due date  
34 shall result in the suspension of the special plate program sales on January 1, until such report  
35 is provided.

36 (6) Any decision by the department that the special plate program application does not  
37 meet the provisions of this section, may be appealed to the director of the department. Such  
38 notice of appeal shall be made in writing within twenty (20) days of the notice of denial.